

Minutes of the March 5, 1999
City Council Chambers
3300 Newport Blvd.
Newport Beach

1. Chair Stein called the meeting to order at 9:35 a.m.

Board Members Present

Karen Stein
John Withers
Evelyn Hart
Rodger Siems
Melody Henriques

Staff Members Present

Gerard J. Thibeault, Executive Officer
Kurt V. Berchtold, Assistant Executive Officer
Joanne E. Schneider, Environmental Program Manager
Karen White, Executive Assistant
Hope Smythe, Chief, Planning Section
Scott Dawson, Environmental Specialist III, Planning Section
Kenneth Theisen, Sanitary Engineering Associate, Planning Section

Legal Counsel

Ted Cobb

State Member Present

Mary Jane Forster

Public In Attendance

Douglas Headrick, San Bernardino Valley Water Conservation District
George Muse, Metropolitan Water District of Southern California
Rod Cruze, City of Riverside
Doug Drury, Inland Empire Utilities Agency
Pat Kilroy, City of Lake Elsinore
A. G. Kawamura, Orange County Farm Bureau
G. Louis Fletcher, San Bernardino Valley Municipal Water District
Mark Bulot, San Bernardino Valley Municipal Water District
Burnell Cavender, San Bernardino Valley Water Conservation District
Sam Gershon, Albert A. Webb Associates
John F. Beals, Beals Casting Inc.

Jim Colston, Orange County Sanitation District
Harry Chin, City of Santa Ana
Joan Arneson, BAWG
Allan Beek
Francine Pares, Irvine Ranch Water District
Gene Estrada, County of Orange
Ken Schiff, SCCWRP
Susan Freck, City of Costa Mesa
Lloyd Dalton, City of Newport Beach
Mark Norton, Santa Ana Watershed Project Authority
John Kabashima, University of California, Orange County Cooperative Extension
Greg Woodside, Orange County Water District

2. Public Forum

Robert Seat, President of the Orange County Farm Bureau, expressed his concerns regarding eradication of the red imported fire ant. Mr. Seat cited a letter signed by Executive Officer Thibeault related to the use of pesticides to address the problem. He expressed concern about the Regional Board's prohibition on the use of these pesticides since they are the only means allowed by other agencies to control the ant. He further requested that the Regional Board work with the California Department of Food and Agriculture (CDFA) to come to an agreement so that the Bureau will be in compliance with both agencies.

Joanne E. Schneider, Environmental Program Manager, stated that Regional Board staff's letter to the Department of Pesticide Regulation expressed concerns with respect to the type and potential means of application of the pesticides and the potential adverse effects of the pesticides on aquatic life. She emphasized that the letter did not contain any sort of prohibition on the use of these pesticides. She indicated that staff had received a response from the Department, outlining the steps they plan to take to address Board staff's concerns. These include working with the California Department of Food and Agriculture and the County Agriculture Commissioners to assure proper training regarding the application of the pesticides and the need to prevent runoff of pesticide-laden waters to surface waters. Ms. Schneider indicated that a copy of this response letter would be forwarded to Mr. Seat.

3. Resolutions of Appreciation for former Regional Board Members Maurice Gallarda and Jerry A. King

This item has been postponed to the April 9, 1999 meeting.

4. Approval of minutes of Regular Board Meeting of January 15, 1999

There being no additions or corrections, the minutes of the regular meeting held on January 15, 1999, were approved, as presented.

21. Closed Session

At 9:50 a.m., Chair Stein adjourned the regular meeting to a closed session to discuss matters related to Defend the Bay vs. the Regional Board.

Chair Stein reconvened the meeting at 10: 07 a.m., to continue the agendized items of the March 5, 1999 meeting.

Vice-Chair Withers abstained from participating in the closed session.

5. Consideration of Consent Calendar Items

Item 6 - Revised Waste Discharge Requirements and a National Pollutant Discharge Elimination System Permit (NPDES No. CA 8000304) for the Colton/San Bernardino Regional Treatment and Water Reclamation Authority for discharges from the Rapid Infiltration and Extraction (RIX) facility, San Bernardino County – was continued to the June 25, 1999 meeting.
Order No. 99-17

Item 7 - Revised Waste Discharge Requirements and a National Pollutant Discharge Elimination System Permit (NPDES No. CA0105392) for the City of San Bernardino, San Bernardino County – was continued to the June 25, 1999 meeting.
Order No. 99-18

Item 8 - Revised Waste Discharge Requirements and a National Pollutant Discharge Elimination System Permit (NPDES No. CA105236) for the City of Colton, San Bernardino, San Bernardino County – was continued to the June 25, 1999 meeting.
Order No. 99-19

Revised Waste Discharge Requirements for Silent Valley Club, Inc., Riverside County
Order No. 99-41

Federal Fiscal Year (FFY) 1999 State Revolving Fund (SRF) Loan Program for the Santa Ana Region.
Resolution No. 99-42

Action: It was moved by Board Member Withers, seconded by Board Member Hart, and unanimously carried to adopt Order No. 99-41, and Resolution No. 99-42, as presented.

8a. New Waste Discharge Requirements and a National Pollutant Discharge Elimination System Permit (NPDES No. CA8000393) for the San Bernardino Valley Municipal Water District, Pilot Dewatering Project, Riverside and San Bernardino County – Order No. 99-40

Executive Officer Thibeault stated that staff recommends adoption of Order No. 99-40.

Comments were provided by the following:

Doug Drury, Inland Empire Utilities Agency (IEUA), expressed his agency's opposition to the proposed project. He stated that this project is not consistent with the Orange County Adjudication. Mr. Drury stated that IEUA requests that the District consider alternatives that are consistent with the adjudication.

Mark Bulot, Director of San Bernardino Valley Water Municipal Water District, supports staff's recommendation to adopt the proposed order.

Louis Fletcher, General Manager, San Bernardino Valley Municipal Water District, stated that the proposed project is a preventive measure to liquefaction in the San Bernardino area. Therefore, Mr. Fletcher requested that the Regional Board adopt the proposed order.

Bernie Kersey, General Manager, City of San Bernardino Municipal Water Department, stated his support of the proposed project and the Department's effort to prevent a major disaster to San Bernardino. Mr. Kersey urged the Regional Board to adopt Order No. 99-41.

Bob Ryder, Assistant General Manager, City of San Bernardino Municipal Water Dept., requested that the Regional Board adopt the proposed permit.

Douglas Headrick, San Bernardino Valley Water Conservation District, thanked Regional Board staff for their hard work on the proposed permit and urged the Regional Board to adopt the proposed permit.

Sam Gershon, Albert A. Webb Associates and contractor for proposed permit, stated his support of the proposed project and requested that the Regional Board adopt the proposed permit.

Burnie Cavender, General Manager, San Bernardino Valley Water Conservation District, thanked the Regional Board staff for their support in agendaizing this item and urged the Regional Board to adopt Order No. 99-41, as proposed.

Action: It was moved by Board Member Hart, seconded by Board Member Siems, and unanimously carried to adopt Order No. 99-41, as presented.

10. Rescission of Order No. 96-2, NPDES No. CA 8000366, Waste Discharge Requirements for Irvine Ranch Water District's Wetlands Water Supply Project, Irvine, Orange County – Order No. 99-43

Bob Caustin, Defend the Bay, made comments regarding previous legal proceedings related to the proposed order.

Action: It was moved by Board Member Hart, seconded by Board Member Henriques, to adopt Order No. 99-43, as presented.

Board Member Withers abstained from voting on this item.

12. Basin Plan Amendment – Fecal Coliform Total Maximum Daily Load for Newport Bay – Public Hearing

(Information pertaining to this item is contained in a verbatim transcript.)

Chair Stein stated that Regional Board action on this item has been continued to the April 9, 1999 meeting, to provide sufficient time for Regional Board staff to review public comments received. Chair Stein requested that all comments pertaining to the proposed TMDL be submitted to the Regional Board office as soon as possible.

Kenneth Theisen, Sanitary Engineering Associate, Planning Section, briefly reviewed fecal coliform TMDL development efforts to date. He indicated that a revised proposal for a TMDL Basin Plan amendment had just been received from Orange County, with letters of support from various city managers. Staff believed that the revised proposal would be acceptable, with some modifications. He thanked the county and city staff for their efforts to provide a workable document.

Comments were provided by the following:

John Kabashima, University of California, Orange County Cooperative Extension
Bob Caustin, Defend the Bay

13. Stormwater Administrative Civil Liability Complaint No. 99-30

(Information pertaining to this item is provided in a verbatim transcript.)

Assistant Executive Berchtold stated that this item was continued from the January 15, 1999 meeting, because Mr. Beals could not attend the meeting. Assistant Executive Officer Berchtold presented background information regarding the proposed administrative civil liability. He stated that Mr. Beals has submitted a letter stating that the annual report for 97-98 was mailed to the State Board office on July 10, 1998, 10 days after the due date. This violated the terms of suspension of \$2500 assessed in a prior administrative civil liability complaint for failure to timely submit the 96-97 annual report. Therefore, staff recommends that the proposed complaint be withdrawn, and that the \$2,500, suspended on condition of timely submittal of the 97-98 report, be collected. Assistant Executive Officer Berchtold answered questions from the Regional Board.

14. 1998 Santa Ana River Sampling at Prado Dam

The Regional Board accepted the report as submitted.

15. Orange County Sanitation District's Sewage Spill

Executive Officer Thibeault stated that Regional Board staff has received additional information on this item. Therefore, this item has been postponed to the April 9, 1999 meeting.

16. Nitrogen/TDS Task Force

Tim Moore, Risk Sciences, Inc., presented an update of the progress made by the Task Force. Next, he distributed a list of objectives developed by the Task Force in 1996, and reviewed the completed tasks. In an effort to complete the proposed remaining tasks by December 99, Mr. Moore requested that the Regional Board agendaize this item for each regularly scheduled meeting for the remainder of the year. Mr. Moore stated that the presentation time would be used to discuss the Reclamation Guidance document developed by the Task Force. Mr. Moore answered questions from the Regional Board.

Board Member Withers requested that Mr. Moore submit the proposed suggestions to the Regional Board prior to the meeting for review.

17. Redesigned Irvine Ranch Water District (IRWD) Wetlands Water Supply Project (WWSP)

Ken Thompson, Irvine Ranch Water District, presented a slide presentation of the redesigned WWSP. Mr. Thompson emphasized that the redesign focuses on two main areas: 1) San Diego Creek winter retention program and, 2) San Joaquin Marsh retention program. Mr. Thompson also talked about the new technical developments to prevent the creek from overflowing. Mr. Thompson reviewed the major changes to the proposed project and discussed strategies proposed by the District. He stated that the overall benefits of the project are to reduce the nitrogen and algae loads, and dredging to the Bay. Mr. Thompson answered questions from the Regional Board.

Comments were provided by the following:

Bob Caustin, Defend the Bay, requested that IRWD extend their study to focus on the sediment problem in Basin 3 and 4. He also contended that the proposed project is not in the best interest of Newport Bay.

18. Hazardous Waste and Sewage Spill Incident Report

The Regional Board accepted the report as submitted.

19. Executive Officer's Report (information item).

Executive Officer Thibeault talked about proposed new legislation regarding performance evaluation of the Executive Officer and Assistant Executive Officer.

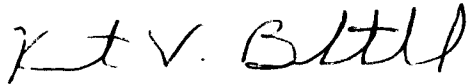
20. Regional Board Communications

In response to a prior request from Board Member Hart, Mr. Thibeault reviewed Board Member participation at various technical task forces and meetings.

22. ADJOURNMENT

Chair Stein adjourned the meeting at 12:20 p.m., to the Board Meeting Retreat scheduled for March 25, 1999 at 10:00 a.m., at the City of Loma Linda Community Room, and then to the regular meeting of April 9, 1999, at the City Council Chambers of Loma Linda.

Respectfully submitted:

A handwritten signature in cursive script, appearing to read "Gerard J. Thibeault".

for GERARD J. THIBEAULT
Executive Officer

/kyw